



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WESTERN REGIONAL OFFICE  
2600 North Central Avenue  
Phoenix, Arizona 85004



IN REPLY REFER TO:  
Division of Natural Resources

NOV 28 2018

Honorable Charles F. Wood  
Chairman, Chemehuevi Tribal Council  
P.O. Box 1976  
Havasu Lake, California 92363

Dear Chairman Wood:

On October 11, 2018 a meeting attended by representatives of Chemehuevi Indian Tribe (Tribe), the Bureau of Indian Affairs (BIA), and the Bureau of Reclamation was held. The purpose of the meeting was to engage in a 43 CFR, Part 417 (Part 417) consultation with the Tribe. Part 417 obligates the BIA to see that releases of Colorado River water to Tribal entities do not exceed those reasonably required for beneficial use. During this consultation meeting the Tribe's 2019 Colorado River water usage requirements and plans were discussed.

With consideration given to discussion held at the aforementioned consultation meeting and in fulfillment of responsibilities described in Part 417, the Regional Director, Western Regional Office, has formally determined the Tribe's 2019 Colorado River water order. This water order is provided in the table below and matches the diversion schedule previously submitted by the Tribe to the BIA. A copy of this diversion schedule, along with the Consultation Questionnaire completed by the Tribe, is enclosed.

The Tribe's 2018 water order is (all quantities in acre-feet):

Month	Estimated Diversion
JAN	428
FEB	680
MAR	793
APR	1,020
MAY	1,247
JUN	1,247
JUL	1,247
AUG	1,247
SEP	1,247
OCT	1,020
NOV	736
DEC	428
TOTAL	11,340
ENTITLEMENT	11,340

This water order is being submitted to the Bureau of Reclamation for Colorado River water regulation and accounting purposes.

Please direct any questions to Mr. Jonathan Cody, Irrigation Engineer, at (602) 379-6789.

Sincerely,



Regional Director

Enclosures

cc: ✓ Regional Director  
Lower Colorado Regional Office  
Bureau of Reclamation

Steve Hvinden  
Chief, Boulder Canyon Operations Office  
Bureau of Reclamation

Superintendent, Colorado River Agency

## Chemehuevi Tribe

### Part 417 Consultation Questionnaire

The 43 Code of Federal Regulations, Part 417 (Part 417) obligates the Secretary of the Interior to see that releases of Colorado River water to Colorado River tribal entities will not exceed those reasonably required for beneficial use. Every year, the Chemehuevi Tribe (Tribe) is asked to submit an estimate of the Tribe's twelve month Colorado River diversion rate and anticipated monthly diversion schedules to the Bureau of Indian Affairs (BIA) for the following calendar year. The BIA is directed by Part 417 to consult with Colorado River tribal entities each year regarding water conservation measures, operating practices, and the beneficial use of Colorado River water.

For calendar year 2019, the Part 417 consultation is being supplemented with the collection of written information. This information, along with other relevant materials, will be examined by BIA Western Region staff. Following this examination, the Regional Director's determination of the approved diversion amount will be communicated in writing to the Tribe. Part 417 establishes procedures under which the Tribe may request modification of the determination or later appeal it to the Secretary of the Interior. Please review this Part 417 Consultation Questionnaire and reply to the listed topics.

**Diversion:** Provided in Table 1 is a historic review of the Tribe's demands for Colorado River water since calendar year 2013 based upon data acquired from the Bureau of Reclamation website on August 13, 2018 (<http://www.usbr.gov/lc/riverops.html>). Past water use is one factor that can be used in determining water requirements for the Tribe.

Table 1. Colorado River diversions for the Chemehuevi Tribe

Year	CA Diversion (Acre-feet)
2018 Projected	11,340
2017	489
2016	244
2015	221
2014	246
2013	226

**Part 417 Factors:** Part 417.3 prescribes a list of factors to be examined by the BIA in approving a tribe's annual water order. BIA consults annually with the Tribe on the Part 417.3 factors. During the month of October 2017, BIA and Bureau of Reclamation staff met with Tribal staff and discussed each factor. Tribal responses are noted on the Consultation Questionnaire. The BIA requests an update of this information, and any additional written information that the Tribe desires to include, in order to support the Tribe's request for 2019 diversions. Please note that the implementation of water conservation measures may also affect water requirements.

**Water Conservation Planning:** The Tribe annually implements measures to improve the management of its water supply and meet the water needs of its customers. Water management activities planned for 2018 were noted in the 2018 Consultation Questionnaire. In addition to providing a reply to each factor listed, the Tribe should also describe those activities implemented in 2018 which may influence the Tribe's water order for 2019.

Please respond to each item in the Consultation Questionnaire and fill out the attached diversion estimate table with your tribe's anticipated 2019 diversion quantities by month. The Tribe may return these completed forms to the BIA, or provide the requested information in a format of its choice, provided that the format addresses each factor. This written consultation, along with any other material considered to be relevant, will be used to determine the Tribe's approved diversion for calendar year 2019.

<b>Part 417.3 Factors</b>	<b>2018 Reply</b>	<b>2019 Reply (Written)</b>
Area to be Irrigated <sup>1</sup>	No Changes. Still working on various proposals to establish consumptive use on 1,900 acres.	There are three new pilot projects. Two are a trial tree crop on 100 acres. The Tara tree will be tested. Also possible algae crop in proposed 30K sqft building. If successful pilot then plan to expand from 1,900 acres to a total of 3,200 acres for agriculture.
Climatic Conditions <sup>2</sup>	Very hot and dry conditions.	Very hot and dry conditions.
Location <sup>3</sup>	Pump and pipeline to ag land is functional.	An additional pump from river tentative based on pilot projects.
Land Classification <sup>4</sup>	N/A	An additional 1,300 acres to agriculture planned.
Kinds of crops raised <sup>5</sup>	Melons, tomatoes, peppers, also aloe vera, Hopi corn, mesquite. Trial planting of pomegranate and nut trees.	Same crops. Pomegranate pilot not successful. Tara trees pilot project planned.
Cropping Practices <sup>6</sup>	Continue with flood or sprinkler.	No Change
Type of Irrigation System in Use <sup>7</sup>	Flood irrigation is primary method. Use of germination sprinklers as needed.	Flood sprinkler and drip irrigation

<sup>1</sup> Has the Tribe added or reduced the number of turnouts or cultivated acres in its service area?

<sup>2</sup> List weather stations used, annual mean temperature and rainfall, and reference evapotranspiration (ETo).

<sup>3</sup> Have there been any changes in the location of Tribe's facilities (e.g. canals, laterals, gates, etc.)?

<sup>4</sup> Quantify crop acres moved between soil classifications and projected impact on water use.

<sup>5</sup> List changes in crop types (e.g. more/less alfalfa than last year, etc...) and the projected impact on water use.

<sup>6</sup> Identify projected changes to cropping practices (e.g. sprinkle germination, etc..) and the expected impact on water use.

<sup>7</sup> Has there been a change in irrigation methods such as more/less drip acreage, level basin acreage, etc.?

<b>Part 417.3 Factors</b>	<b>2018 Reply</b>	<b>2019 Reply (Written)</b>
Condition of Water Carriage & Distribution Facilities <sup>8</sup>	Sediment from river continues to be a problem.	There has been problems with drip system clogging and adding sand filter is being considered.
Record of water orders <sup>9</sup>	N/A	N/A
Record of Rejections of Water Orders <sup>10</sup>	N/A	N/A
General Operating Practices/Policies <sup>11</sup>	No change in Practices/Policies	No change in Practices/Policies
Operating Efficiencies <sup>12</sup>	Pipeline has been maintained and is has full capacity. CIT has conferred with local USDA.	One pump from river replaced offering higher efficiencies.
Methods of Irrigation of the water users <sup>13</sup>	Flood irrigation is primary method of irrigation. New garden using drip.	Flood irrigation still primary also sprinkler for germination and drip.
Amount and rate of return flow to the CO river <sup>14</sup>	0 AF There is no measured return flow.	0 AF There is no measured return flow.
Municipal Water Requirements <sup>15</sup>	New casino now under construction. Water use for construction dust control.	New casino scheduled to open 07/2019 with estimated water demand of 37 ac-ft.
Provisions of Users Water Delivery Contract <sup>16</sup>	Continue contracts with Havasu Ventures for approx. 17 af and a conveyance contract with Vista Del Lago. Continued negotiations for ag expansion.	Continue contracts with Havasu Ventures for approx. 17 af and a conveyance contract with Vista Del Lago. Continued planning for ag expansion.
Water Rates <sup>17</sup>	There has been no change but anticipate raising the rate sometime during 2018.	There has been no change but anticipate raising the rate sometime during 2019.
Number of Ditch Riders <sup>18</sup>	N/A	N/A
Water Conservation <sup>19</sup>	Funding is still limited. A portion	Funding is still limited. A

<sup>8</sup> Amount of water delivered/sold to customers in acre feet.

<sup>9</sup> Does the Tribe amend daily water orders with the USBR more than three times a month?

<sup>10</sup> Have water orders from farmers been rejected by the Tribe (e.g. for non-payment, etc.), which would impact its water order?

<sup>11</sup> Have there been any changes to operating practices or policies? If so, describe the new operating practice or attach a description of the new policy.

<sup>12</sup> Total water consumed divided by total water diverted in percent.

<sup>13</sup> Types of irrigation management practices employed (e.g. surge, cutback, etc.). Describe any changes to the type of management practice utilized and provide the quantity of acres affected by these changes.

<sup>14</sup> Amount (cfs) and average rate (ft/sec) of return flow to the river.

<sup>15</sup> The amount of water going to non-agricultural uses (municipal, industrial, feedlots, other, etc...) in acre-feet.

<sup>16</sup> Have there been any changes in the water service contract?

<sup>17</sup> Have there been any changes in water rates? If so, submit the changed rates.

<sup>18</sup> Number of ditch riders and areas/divisions each ditch rider works.

<sup>19</sup> How much money will be spent by the Tribe on water conservation for 2019?

Part 417.3 Factors	2018 Reply	2019 Reply (Written)
	of income from future ag lease would be used to further conservation.	portion of income from future ag lease would be used to further conservation.
Other Relevant Factors <sup>20</sup>	Upstream pollution of toxic chemicals is still a major concern. We continue to monitor the water. Also concern that upstream pollution from swimmers and boating citizens.	Upstream pollution of toxic chemicals is still a major concern. We continue to monitor the water. Also concern that upstream pollution from swimmers and boating citizens.

### WATER CONSERVATION PLAN IMPLEMENTATION<sup>21</sup>

#### 2018 Activity

1. Planning for pilot projects.
2. More efficient pump installed.
3.
4.

#### OTHER<sup>22</sup>

Exploration of old mines on the southern end of reservation for possible reopening.
Planning for new housing project. As more tribal members return home more housing is required. Currently 250 – 300 tribal members reside on the Chemehuevi reservation from a total of approximately 1200 members.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

<sup>20</sup> Optional, please identify any other relevant factor/factors and explain why it would impact the water order.

<sup>21</sup> Water conservation activities/measures/practices the Tribe implemented in 2018.

<sup>22</sup> Other relevant materials to submit (e.g. new water conservation plan, transfers, water price sheet, etc.).

# Chemehuevi Indian Tribe Diversion Estimates by Month

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	ENTITLEMENT
2018 Diversion Estimates (ac-ft.)	428	680	793	1,020	1,247	1,247	1,247	1,247	1,247	1,020	736	428	11,340	11,340
2019 Diversion Estimates (ac-ft.)	428	680	793	1,020	1,247	1,247	1,247	1,247	1,247	1,020	736	428	11,340	11,340